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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,153	01/03/2002	Thomas E. Creamer	BOC9-2001-0013 (248)	9334

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EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2642	2

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,153	CREAMER ET AL.	
	Examiner	Art Unit	
	William J Deane	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5 and 7 - 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,819,173 (Lawrence et al.).

With respect to claims 1 – 5 and 7 -17, Lawrence teaches the claimed subject matter as can be seen at Col. 1, lines 24 – 40 and 55 – 64; Col. 2, lines 1 – 20 and 29 – 50; Col. 3, lines 3 – 34 and col. 3, line 66 – Col. 4, line 6.

With respect to reserving a pool of resources, obviously whether only one service provider or multiple service providers are used a pool of resources are used. If no resources were reserved for temporary use, then the system could not work.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 14 and 18 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. and the instant application.

With respect to claim 6 14, 18 – 26, Lawrence et al. teach the claimed system and method accept for explicitly talking about multiplexing and circuitry therefor. However, it is noted that this is the way things are done. That is, note Fig.2 of the instant application, again the only thing missing is the multiplexing. If 2 services are on one LIC, are these services not multiplexed onto 122a? Even if one disagrees, the examiner notes that multiplexing is so notoriously old in the art that no reference need be supplied. It would have been obvious to one of ordinary skill in the art to use multiplexing wherever it was deemed necessary. In addition, it is believed by the examiner that multiplexing is inherent in the Lawrence et al. device. For example, if a user wanted 2 feature services and one network offered one service and another network service offered another, would the services not be multiplexed? Even if applicant were to argue this point, it would have been obvious to one of ordinary skill in the art to multiplex the 2 services together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,628,934 (Rosenberg et al.), 6,529,729 (Nodoushani et al.), 6,122,292 (Watanabe et al.), 6,064,666 (Willner et al.), 5,455,856 (Story) and U.S. Patent Application No. 2003/0045229 (Snelgrove et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

WILLIAM J. DEANE, JR.
PRIMARY EXAMINER
16 Aug 04